

IN THE MATTER OF
THE APPLICATION OF
YORK STEVENSON LIMITED PARTNERSHIP
FOR A SPECIAL VARIANCE ON PROPERTY
LOCATED ON THE NORTHWEST CORNER
YORK ROAD AND STEVENSON LANE
(7300 YORK ROAD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO: 93-122-SA

OPINION

This case comes before the Board on appeal from a decision of the Deputy Zoning Commissioner granting, with restrictions, a Petition for Special Variance filed by the York Stevenson Limited Partnership to permit construction of an office building in a traffic shed that contains an "F" level intersection.

Exhibits in this case indicated that the subject property consists of approximately one acre with a split zoning of B.L., O-1 and D.R. 5.5, with an existing two-story office building. The Petitioner will construct an additional office building of 9,000 sq. ft. in the B.L. portion of the site. Under procedures of the County Review Group (CRG), approval was granted, along with all the necessary zoning in Case No. 90-71-SPHA.

Construction has not proceeded because of the regulations of Section 4A02.4F of the Baltimore County Zoning Regulations (BCZR) that has withheld the issuing of permits due to a failing "F" intersection located at York Road and Burke Avenue. Although the subject site is some distance (.9 mile) from the failed intersection, the County Council has designated that service area from Stevenson Lane to Burke Avenue as a failed traffic shed on the Basic Services Map.

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Petitioner, Robert F. Latshaw, Jr., testified as to the process he has followed to develop his property, meeting with community groups from Rodgers Forge and Wiltondale and subsequently agreeing to a reduced size and height of his building, and to specific architectural features to conform with the existing office building on the site. The written agreement with the Rodgers Forge Community Association is entered as Petitioner's Exhibit 5 in this case.

Mr. Latshaw further testified that, to assure control of traffic and adequate parking, he obtained an agreement with the neighboring Central Presbyterian Church. Although parking on his site meets the CRG standards, the Church has agreed to a parking space use-exchange as needed, and a curbing installation by the Petitioner that will prevent office building patrons from utilizing the Church's driveway to York Road. Petitioner further reviewed the means of ingress and egress from his property solely via a private alley at the rear of the office building, wherein vehicles will be denied left turns onto Stevenson Lane at peak hours and be directed away from the York Road traffic shed.

Mickey Cornelius, traffic engineer, recognized as an expert witness, reviewed his involvement in traffic studies of the York-Burke Traffic Shed and asserted that the proposed building was not in the traffic shed. He perceived that patrons of the office building were not likely to drive to the York-Burke corridor as the private alley exit avoiding York Road was the sensible route. Mr.

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Cornelius' study of traffic patterns from existing office buildings on York Road indicated that less than 50 percent exited to the failed intersection, a traffic analysis indicating the failed (F) rating was no longer applicable. He stated that York-Burke has had three studies in 1992 and none were "F" but actually "C" or "D" level.

In opposition to the granting of the Special Variance, the People's Counsel called Stephen Weber, Chief of the Division of Traffic Engineering, who explained the characteristics of an "F" intersection. He further reviewed the aspects of a moratorium placed on obtaining permits for growth activities within the boundaries of a failed traffic shed. Growth restrictions are not permanent, and a yearly study is provided to the Baltimore County Planning Board and then to the County Council. Mr. Weber explained how his office determines the boundaries of a failed traffic shed, and in response to Counsel for Petitioner, testified that four studies within the last year found that York-Burke was not a failed intersection, but a level "D". The Planning Board and County Council overruled the finding as based on too few studies, but subsequent studies again confirmed a "D" level intersection. Mr. Weber further felt that the "no left turn sign" at the private alley and Stevenson Lane would take the site out of the shed boundary. He acknowledged that such private signs may not always be enforceable.

John C. Kidd, a long-time resident of Rodgers Forge, who also

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has an office one property removed from the site, reviewed numerous traffic problems in the approximate area deriving from the growth and expansion of medical institutions and Towson State University. Mr. Kidd expressed his surprise that the Rodgers Forge Association entered into a written agreement with the Petitioner. An active resident concerned about his community, Mr. Kidd questioned some of the testimony based on "to and fro" traffic from the practically vacant Armo Office Building. As valid evidence for a traffic level change from an "F" level, Mr. Kidd expressed doubts of the study's worth.

Mr. Donald Gerding reviewed his participation and concern for the negative effect increasing traffic has brought to values of property and the quality of living in the area. In particular, he cited the heavy student pedestrian traffic from neighborhood elementary, middle and high schools that traverse the York-Stevenson Lane intersection. Mr. Gerding submitted a packet of photographs highlighting the back-up and congestion of traffic at the location of the subject office building.

Ms. Jean Duvall, active in the Rodgers Forge community, voiced her objections to the special variance from the Baltimore County Growth Management Regulations. Ms. Duvall expressed strong reservations about the future of the York Road-Burke Avenue traffic shed in view of the planned use of the Berkshire Towers highrise as a conference center by Towson State University serviced by a large garage to be built at York Road and Burke Avenue. It was

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acknowledged that traffic allowed on York Road from Burke Avenue only in a northerly direction has helped the intersection.

The Board has considered the testimony and exhibits in this case and is most aware of the heavy volume of traffic on the York Road corridor and measures the County Government has taken to reduce the volume. However, we are persuaded that the testimony and facts in this case have satisfied the standards providing for a Special Variance in the Growth Management Regulations, Section 4A02.4F.1 which states in part:

Petitions for special variance from provisions of this subsection. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding-

- That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and
- That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with subsection 4A02.3.G.2.B.

A Special Variance will not adversely affect any prior applicant in the area. From testimony of Mr. Weber, the Board finds that the traffic shed identified with the subject site is not a failing level "F" after numerous and recent studies; that the traffic generated from this site will not add to the failed (alleged) intersection; and that vehicles will not have direct

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access to York Road from the subject site; and for these reasons, the Board views the granting of the Special Variance as reasonable. The impact of this proposed project will be less than that assumed by the district standard that would otherwise restrict or prohibit development. The Board further finds that the granting of the Special Variance will not be detrimental to the public health, safety or general welfare.

ORDER

IT IS THEREFORE, this 22nd day of September, 1993, by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Variance to permit construction of an office building in a traffic shed that contains an "F" level intersection, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- There shall be no direct access to York Road from the subject site. All access to and from the subject property shall be from Stevenson Lane.
- The Petitioner shall install a "No-Left Turn" sign at the exit from the subject property to prohibit any vehicles from making a left turn onto Stevenson Lane during the hours of 3:00 p.m. to 7:00 p.m., Monday through Friday.
- The Petitioner shall construct a concrete channel which prohibits vehicles from making a left turn from the adjacent Central

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Presbyterian Church driveway to the Petitioner's parking lot. Said concrete channel is more particularly described on Petitioner's Exhibit 2.

- All other conditions, restrictions and agreements which were a result of, or imposed pursuant to, Case No. 90-71-SPHA, shall remain in full force and effect.
- When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Robert O. Schuetz
Robert O. Schuetz

Harry E. Buchhelster, Jr.
Harry E. Buchhelster, Jr.

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IN RE: PETITION FOR SPECIAL VARIANCE
NW/Corner York Road and
Stevenson Lane
(7300 York Road)
9th Election District
4th Councilmanic District

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-122-SA
York Stevenson Limited Part.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Variance filed by the legal owner of the subject property, York Stevenson Limited Partnership, by its General Partner, Robert F. Latshaw, Jr., through their attorney, Michael H. Davis, Esquire. The Petitioner requests relief from Sections 4A02.4.D and 4A02.4.F.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit construction of an office building in a traffic shed that contains an "F" level intersection, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Robert F. Latshaw, Jr., General Partner. Mr. Latshaw was represented by Michael H. Davis, Esquire. Also appearing on behalf of the Petitioner was Mickey Cornelius, traffic engineering expert with The Traffic Group. Appearing as Protestants in the matter were Ruth Cullison on behalf of herself and the Knollwood-Donnybrook Improvement Association, Jean K. Duvall and Donald Gerding, all residents of the area.

Testimony indicated that the subject property, known as 7300 York Road, consists of 0.96 acres, more or less, split zoned B.L.-C.N.S., O-1 and D.R. 5.5. Said property is improved with an existing two-story office building and associated parking. The Petitioner is desirous of constructing an additional office building immediately adjacent to and north of the

ORIGINAL RECEIVED FOR FILING
Date 9/23/93
By [Signature]

MICKEY A. CORNELIUS
PRINCIPAL

Mickey Cornelius is a registered Professional Engineer with over ten years experience in the Highway, Transportation and Traffic Engineering profession. He has served as a consulting traffic engineer for more than eight years. His experience in both the public and private sectors has provided Mr. Cornelius with a broad range of knowledge.

Mr. Cornelius is responsible for managing all aspects of the firm's traffic engineering and transportation planning studies. His experience in traffic engineering and transportation planning includes traffic capacity analysis, traffic forecasting and associated modeling.

JOB HISTORY

1984-Present
Traffic Engineering Consultant

1982-1984
Civil Engineer, Highway Construction

S.J. Groves and Sons Co.

EDUCATIONAL BACKGROUND

B.S. in Civil Engineering with emphasis in Transportation -
The Pennsylvania State University
Traffic Engineering Courses: Northwestern University Traffic
Institute, Polytechnic Institute of New York

**PLACES WHERE
MR. CORNELIUS HAS
QUALIFIED AS AN EXPERT WITNESS**

MARYLAND

City of Annapolis City Council
Anne Arundel County Board of Appeals, Zoning Hearing
Examiner
City of Baltimore City Council, Planning Commission
Baltimore County Board of Appeals, Zoning
Commissioner, Board of Appeals, and County Council
Town of Bel Air Planning Board, Town Commissioners,
Zoning Hearing Examiner
City of Bowie Planning, Advisory Board, Mayor and
City Council
Cecil County Technical Advisory Committee
Charles County Board of Appeals
Dorchester County Board of Appeals
Frederick County Planning Board, County Commissioners,
Howard County Planning Board, Zoning Board,
County Council

Montgomery County Planning Board, Zoning Hearing
Examiner, Board of Appeals
Town of North East Planning Commission
Prince George's County Planning Board, County Council
Washington County Board of Appeals
City of Westminster Mayor and Common Council
Wicomico County Board of Zoning Appeals
NEW JERSEY
Camden County Township Zoning Board
PENNSYLVANIA
York County Manchester Township Zoning Hearing Board,
Planning Commission of Shrewsbury Borough

The Traffic Group, Inc., Suite 600 401 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 521-8438

THE TRAFFIC GROUP TEL No. 301 321 8458 Jan 31-90 11:00 P.10

VEHICLE TRACKING STUDY - SUMMARY										Location : Balto Co., Md.		THE			
Intersection of: York Rd./Stevenson Ln. and: Arco Bldg. Access										Date : Oct. 16, 1989		TRAFFIC			
Counted by: P. Hines										Weather : Fair, Warm		GROUP			
										Entered by: D. Hayes		INC			
		Traffic From Arco Bldg.		Traffic From Arco Bldg.		Traffic From Arco Bldg.		Traffic From Arco Bldg.							
		Access to		Access to		Access to		Access to							
		Stevenson Ln.		Stevenson Ln.		York Rd.		York Rd.							
TIME		EB	WB	WB	WB	SB				TOTAL					
1 PM															
1 00-05		1	1	2	2	1	1	1	1	1	5				
1 05-10		1	1	1	1	1	2	2	2	5	5				
1 10-15		4	4	3	3	1	2	2	2	16	16				
1 15-20		1	1	2	2	0	0	3	3	6	6				
1 20-25		10	10	7	7	1	2	2	2	20	20				
1 25-30		6	6	8	8	2	1	1	1	1	4				
1 30-35		1	1	1	1	1	1	2	2	5	5				
1 35-40		2	2	1	1	1	0	0	0	4	4				
1 40-45															
1 45-50															
1 50-55															
1 55-60															
1 60-65															
1 65-70															
1 70-75															
1 75-80															
1 80-85															
1 85-90															
1 90-95															
1 95-100															
TOTALS		8	20	0	20	0	19	0	7	0	7	0	15	0	67
1 HOUR															
TOTALS															
1 00-05		0	7	0	7	0	0	0	0	3	0	0	0	0	26
1 05-10		0	24	0	24	0	13	0	13	0	0	0	0	0	40
1 10-15		0	23	0	23	0	14	0	14	0	3	0	0	0	40
1 15-20		0	20	0	20	0	12	0	12	0	3	0	0	0	45
1 20-25		0	21	0	21	0	11	0	11	0	4	0	0	0	41
1 25-30		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 30-35		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 35-40		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 40-45		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 45-50		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 50-55		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 55-60		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 60-65		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 65-70		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 70-75		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 75-80		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 80-85		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 85-90		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 90-95		0	24	0	24	0	13	0	13	0	3	0	0	0	40
1 95-100		0	24	0	24	0	13	0	13	0	3	0	0	0	40
TOTALS		0	24	0	24	0	13	0	13	0	3	0	0	0	40

Pet Ex #3

IN RE: PETITIONS FOR SPECIAL HEARING,
EXCEPTION AND ZONING VARIANCE
SE COR. YORK AND ARCBURTH ROADS
79.05 YORK ROAD
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
Local Owner: Eric A. Dott, et al
Contract Purchaser: Victoria Corp.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 90-145-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein, pursuant to the Petitions for Special Hearing and Special Exception, request a waiver under Section 432.4 from complete compliance with the restrictions of Section 1B01.1.B.1.b (R.T.A. buffers); a parking ratio of one (1) off-street parking space for each three (3) beds, pursuant to Section 409.6 and the removal of the special exception granted in case No. 78-276-X; and approval of an assisted living facility containing a maximum of eighty (80) beds, pursuant to Section 432.1.A.2. The Petitioners have also requested, pursuant to Section 4A02.4.F.1 for a special variance from the provisions of the transportation standards of the basic service map for the redevelopment of existing offices to an assisted living facility, and a variance, if deemed necessary, to permit a parking ratio of one (1) off-street space per three (3) beds in lieu of the required one (1) space per two (2) beds under Section 409.6, as more particularly described on Petitioners' Exhibit No. 5.

The Petitioners were represented by Robert Hoffman, Esquire and John Howard, Esquire. Appearing and testifying on behalf of the Petitioners were Paul Klaassen, Founder of Sunrise Retirement Homes; Dick Kendall, President of Victoria Corporation; Wes Guckert, Traffic Consultant; Les Pittler, Director, Dept. of Community Development; William Kirwin, Land Planner; Steve Kinsey, Architect and Professional Engineer. Appearing and

AGREEMENT

YORK STEVENSON LIMITED PARTNERSHIP by Robert E. Latschaw, Jr., President of Realtech Properties, Inc., General Partner, [hereinafter collectively "YSLP"] and the RODGERS FORGE COMMUNITY, INC. by Edward J. Gilliss, President, hereby agree this 9th day of May, 1990 as follows:

WHEREAS, YSLP plans a commercial office structure near the northwest corner of York Road and Stevenson Lane just north of an existing two-story office building and just south of the Central Presbyterian Church; and

WHEREAS, the Rodgers Forge Community, Inc. is a residential community south and west of the proposed development; and

WHEREAS, the Rodgers Forge Community, Inc. has expressed concerns about the proposed development during the County Review Group hearings on September 28, 1989 and November 22, 1989.

WHEREAS, the parties to this Agreement desire to resolve their differences as hereinafter set forth.

NOW, THEREFORE, the parties to this Agreement hereby agree as follows:

1. The existing two-story brick office building owned by YSLP and located on the northwest corner of York Road and Stevenson Lane, known as 7300 York Road, will be maintained in essentially its present state for at least seven (7) years, provided, however, that small-scale additions shall be permitted if such construction is substantially similar to the new building being proposed. Rodgers Forge Community, Inc. reserves the right to challenge any such

THE KNOLLWOOD-Donnybrook Improvement Association, Inc.
Towson, Maryland 21204

November 12, 1992

Mr. Arnold Jablon, Director,
Zoning Administration & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 7300 York Road

Dear Mr. Jablon,

Please be advised that the Knollwood-Donnybrook Improvement Association met on November 11, 1992, and voted to oppose the petition for variance for the property at 7300 York Road.

As a surrounding neighborhood of 377 households directly affected by traffic on Stevenson Lane, we oppose the variance as well as any development in a traffic shed with an "F" level intersection. Furthermore, it is our understanding that the surrounding neighborhoods which the variance petition claims have been "advocating support" really refers to two neighborhoods which agreed not to oppose the project contingent upon conditions of parking that have not been met.

Sincerely,

Jo Ann Holback, President
Knollwood-Donnybrook Improvement Association
912 Stevenson Lane
Towson, Md. 21286

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

887-3211

October 16, 1992

TO: Hon. William A. Howard, IV
Chairman, Baltimore County Council

FROM: P. David Fields, Secretary to the
Baltimore County Planning Board

SUBJECT: 1993 Basic Services Maps

At its regular meeting on October 15, 1992, the Planning Board voted, in accordance with Section 4A02.3.E.1 of the Zoning Regulations, to recommend the proposed annual revision to the Basic Services Maps.

The three revised maps at 1"-4000' scale and the accompanying two reports prepared by the Department of Public Works are enclosed herewith for public hearing and adoption by the County Council by December 15, 1992. As usual, the 1000-scale edition of the maps will be prepared by the staff after the Council's vote.

In accepting DPW's reports, the Board specifically voted to recommend that the York Road and Burke Avenue intersection should continue to be shown on the Transportation Basic Services Map as an "F" level-of-service. The Board is very familiar with this intersection from its annual reviews of the capital program and the basic services maps over many years and from its recent deliberations on the Towson Community Plan. From this knowledge and its discussion in the meeting, the Board concluded that recent measurements indicating a level-of-service "D" may be only a temporary, recession-related respite from the conditions which have long congested this intersection. A change in the rating, which would result in lifting the moratorium in the trafficked, should not be made without a longer period of monitoring for assurance that increased traffic from further development could properly be accommodated.

PDF/TD/mjm
BSN93/TEXTMJM

Enclosures

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas J. Peddicord, Jr., Legislative Counsel/Secretary
Gene L. Neff, Director, Dept. of Public Works
C. Richard Moore, Chief, Bureau of Traffic Engineering

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

October 26, 1992

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Baltimore County
MD 45
York Stevenson
Item No: 4121 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and offer the following.

SHA cannot recommend approval of an additional commercial use to a property based upon the information provided to us with the request.

Prior to approving the variance, we request the county require a traffic study be submitted which identifies the impacts the proposed development will have on the surrounding highway network and what, if any, improvements could be provided to minimize those impacts.

The traffic study should be reviewed by both county and SHA traffic staff prior to any approvals being granted.

Please contact David Ramsey at (410) 333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David N. Ramsey
John Contestabile, Chief
Engineering Access Permits
Division

DNR:maw

My telephone number is 410-333-1350 (Fax# 333-1041)

Teltypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 28, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration

FROM: Stephen E. Weber, P.E.
Assistant Traffic Engineer

SUBJECT: 2AC Comments
2AC Meeting Date: October 19, 1992
Item No. 121

This particular parcel has had previous traffic studies conducted by both this office and the developer's traffic consultant to determine whether it should be located inside the transportation deficient area for York Road and Burke Avenue, currently rated level-of-service "F" on the 1992 Transportation Basic Services Map.

Our previous studies conducted in 1991 indicated that should the site have access to York Road, it should still be within the deficient area. This is because studies we made of an office building just to the north of the subject site, with access to only York Road, did indicate that by a oriented towards York Road and Burke Avenue. However, it was also our determination that if the access was limited to Stevenson Lane only, that less than 50% of the traffic oriented towards York Road and Stevenson Lane would go thru the York Road and Burke Avenue intersection. In that situation, such a site would normally not be included within the deficient area.

While the subject site shows access only to Stevenson Lane, we go under the generalized assumption that a property has access to any road to which it is legally entitled when establishing deficient areas. Therefore we have not recommended that the boundary on the Basic Services Maps be changed to exclude this site. If we did so and the maps were changed, the property owner could then submit a new plan with access to York Road and there would be no way to prevent issuing building permits.

If there is a mechanism to restrict access from the subject site to only Stevenson Lane, we would find the site to generate a smaller percentage of its trips through the York Road and Burke Avenue intersection than that which we have established to include properties within the deficient transportation area for York Road and Burke Avenue. We have questioned previous speculation of the possibility to connect the alley on the west side of the site to Central Presbyterian Church to the north. If that is access to York Road through the church property. While the petitioner may not have any plans to construct such a connection, does the church have the right to use the alley and open the connection themselves? Since they are not a party to the petition, how can their actions be adequately controlled? If any consideration is given to grant the petition for special variance, it should be done with the restriction of all access being to Stevenson Lane and ensuring some mechanism that it continues to be controlled.

SEM/lvd

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 23
BILL NO. 213-92

MR. WILLIAM A. HOWARD, IV, COUNCILMAN
BY REQUEST OF COUNTY EXECUTIVE

BY THE COUNTY COUNCIL, DECEMBER 7, 1992

A BILL ENTITLED

AN ACT concerning

Basic Services Maps

FOR the purpose of repealing the Basic Service Sewerage Map, the Basic Service Water Supply Map and the Basic Service Transportation Map, and adopting a new Basic Service Sewerage Map, a new Basic Service Water Supply Map and a new Basic Service Transportation Map.

BY repealing and reenacting, with amendments

Subsection 4A02.3.A.1., 2. and 3.

Baltimore County Zoning Regulations, as amended

BY repealing

1992 Basic Service Sewerage Map

1992 Basic Service Water Supply Map

1992 Basic Service Transportation Map, all as adopted by

Bill No. 197-91

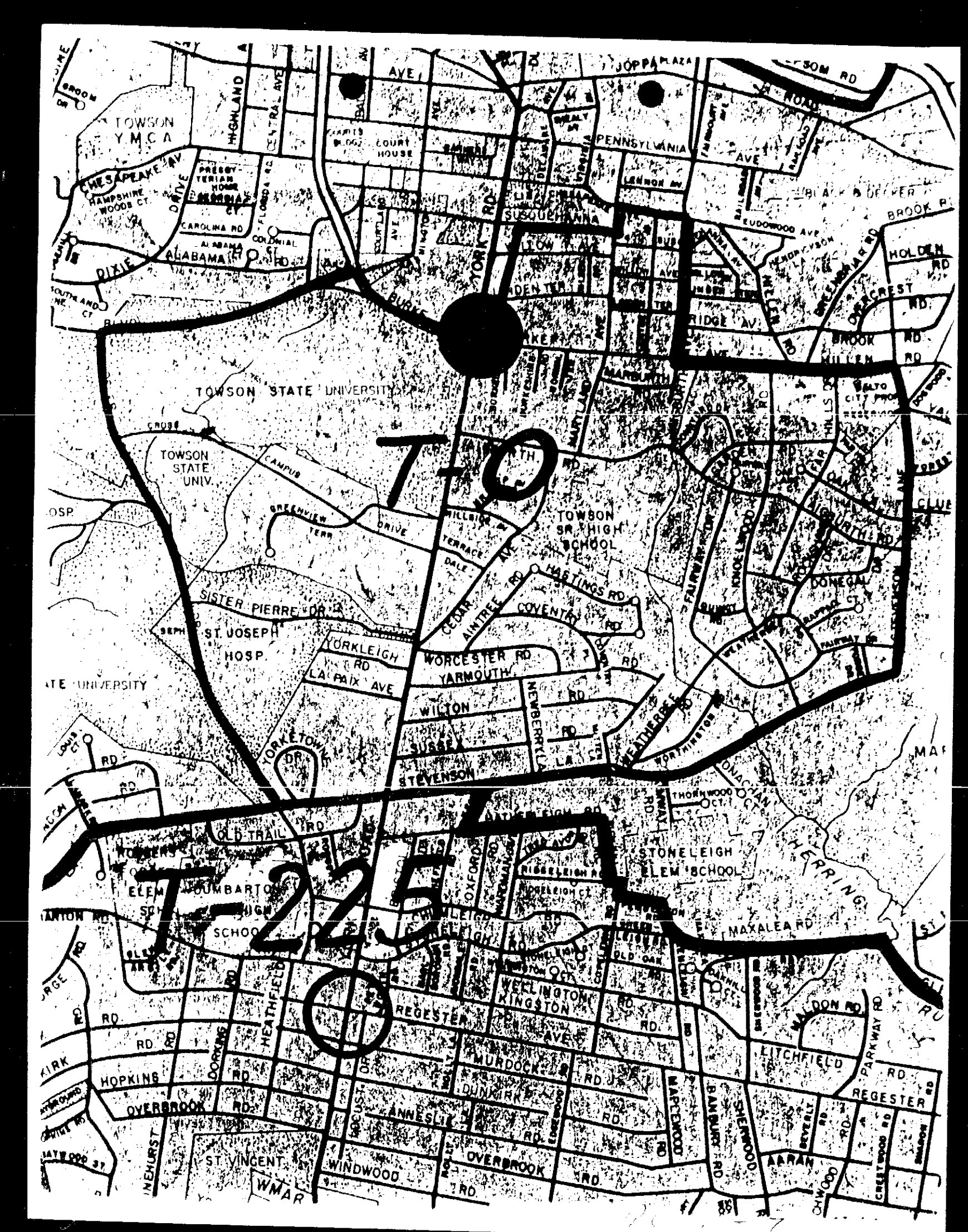
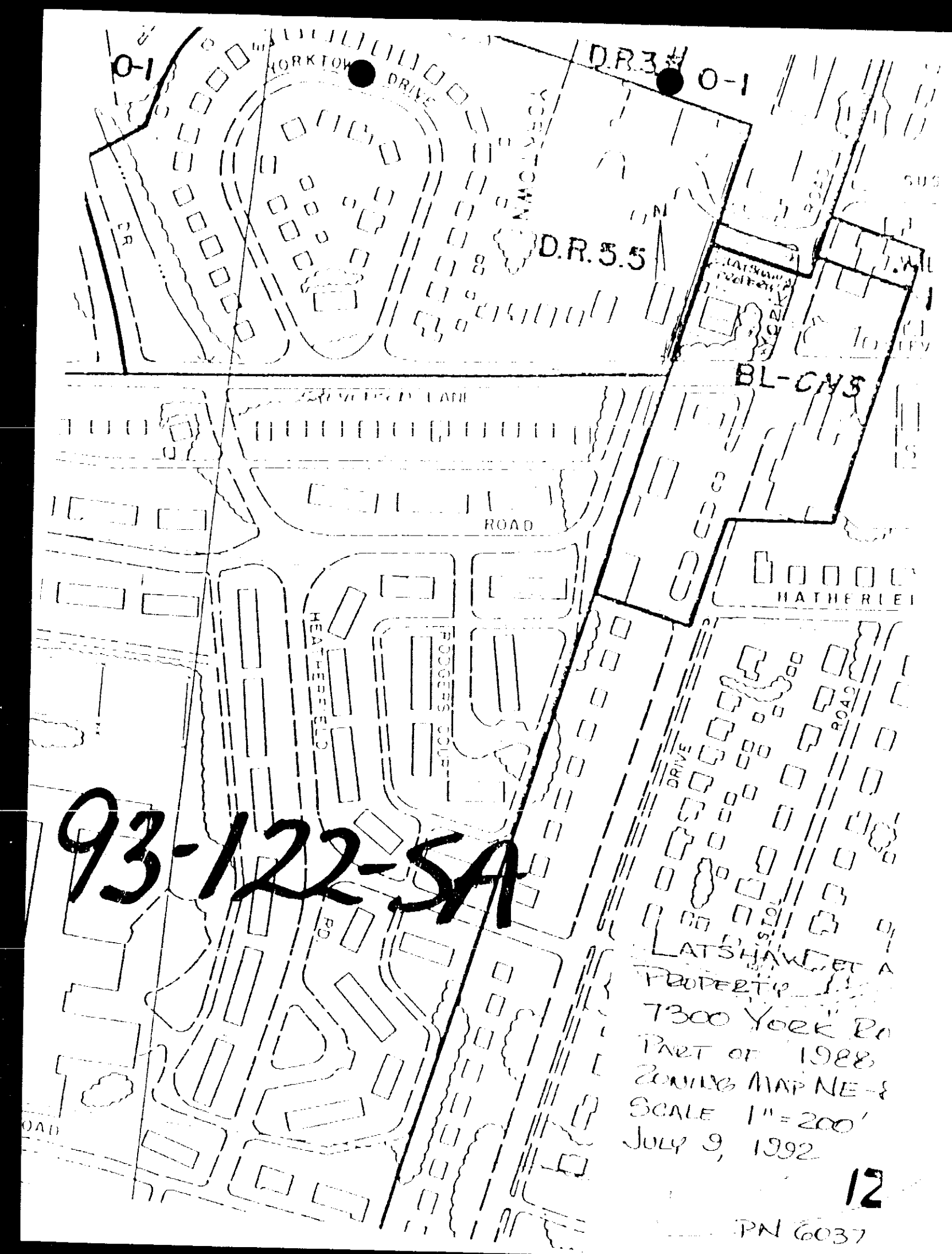
BY adopting the new

1993 Basic Service Sewerage Map

1993 Basic Service Water Supply Map

1993 Basic Service Transportation Map

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.



Mr. Peter Max Zimmerman, Deputy
People's Counsel
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

June 1, 1993

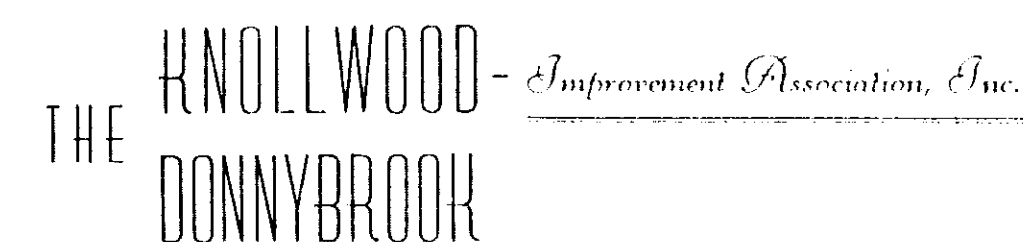
Dear Peter,

Please be advised that at the May 20, 1993 meeting of the Greater Towson Council a motion was passed to oppose any building in the traffic shed of a failed intersection. Specifically, we oppose the proposed Latshaw building within the traffic shed of the failed intersection at York and Burke, and feel it violates the intent of the Adequate Public Facilities legislation.

We appreciate your efforts at the Appeal on June 24.

Sincerely,

Jo Ann Holback
Jo Ann Holback, Vice-President
(296-4642)



June 15, 1993

To whom it may concern:

Please be advised that the Knollwood-Donnybrook Board of Directors met on June 9, 1993, and passed a motion to oppose the development of the Latshaw property at York and Stevenson. Our community feels

it is a violation of the law to build in the traffic shed of a failed intersection. It is our understanding that the County Council upheld that Burke and York is a failed intersection. Full occupancy of the Buckshire and the new Black and Decker project will also add traffic to this failed intersection. Our neighborhood is directly affected by the construction of the Latshaw property and traffic that it will generate. We have 44 homes on Stevenson Lane, and our children attend Dunbarton crossing York and Stevenson for after-school events.

Jo Ann Holback
Safety, Welfare, and Zoning Committee

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

June 23, 1993

Mr. William Hackett
Baltimore County Board of Appeals
401 Bosley Avenue
Towson, MD 21204

Hand Delivered

Re: Case No. 93-122-SA

Dear Mr. Hackett:

On behalf of The Valleys Planning Council, I would like to support strongly the concerns of the People's Counsel and the community with regard to development within failing traffic shed areas.

Wisely, Baltimore County does not permit new construction to go forward where the infrastructure, be it schools, roads, or the like, cannot support increased population and use.

We believe that an extremely poor precedent for the entire county would be set to allow a variance for additional office space within a failing traffic shed.

Surely, there is no extraordinary need for a variance from this procedure when the existing office space in Baltimore County is acknowledged as overbuilt and begging.

Thank you for your attention to this important matter.

Sincerely,

Margaret Worrall
Margaret Worrall
Executive Director

cc: Peter M. Zimmerman
Robert H. Hoffman

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md 21139

July 20, 1993

Mr. Peter Max Zimmerman, Deputy
People's Counsel
Room 47, Old Court House
400 Washington Avenue
Towson, MD 21204

Re: Case No. 93-122-SA
Latshaw decision.

Dear Mr. Zimmerman:

The Ruxton-Riderwood Lake Roland Area Improvement Assn., Inc. has a great concern with the zoning commissioner's decision to grant the Latshaw petition for Stevenson Lane and York Road. Since this is within the traffic shed containing an "H" level intersection, we oppose the decision and precedent set by granting the petition. Therefore, we support the People's Counsel in challenging this decision in the above referenced case.

Sincerely,

Henry R. Abrams, President



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 587-3180

November 3, 1992

Robert M. Cannon, Esquire
WEINBERG AND GREEN
100 South Charles Street
Baltimore, MD 21201-2773

RE: Case No. 92-206-SAA
Barbara Griffith

Dear Mr. Cannon:

Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Bernard Penner, Esquire
Barbara A. Griffith
Mr. Jerry Miller
The Honorable Thomas L. Bromwell
The Honorable Joseph Bartenfelder
People's Counsel for Baltimore County
P. David Fields
Lawrence F. Schmidt
Timothy M. Rotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 16
RESOLUTION NO. 70-93

MR. WILLIAM A. HOWARD, IV, CHAIRMAN

BY THE COUNTY COUNCIL, September 7, 1993

A RESOLUTION of the Baltimore County Council to amend the 1993
Basic Services Transportation Map adopted by Bill No. 213-92 to reflect
the correction of a deficiency due to the construction of adequate
facilities.

WHEREAS, the Baltimore County Zoning Regulations (Section
6A02, S.E. 3.3.3) authorize the County Council, by resolution, to amend
the basic services maps to reflect that a deficiency has been corrected
by actual construction of adequate facilities; and

WHEREAS, the Department of Public Works has certified that
certain traffic deficiencies as previously reflected on the 1993 Basic
Services Transportation Map adopted by Bill No. 213-92 have been
corrected by the actual construction of adequate facilities; and

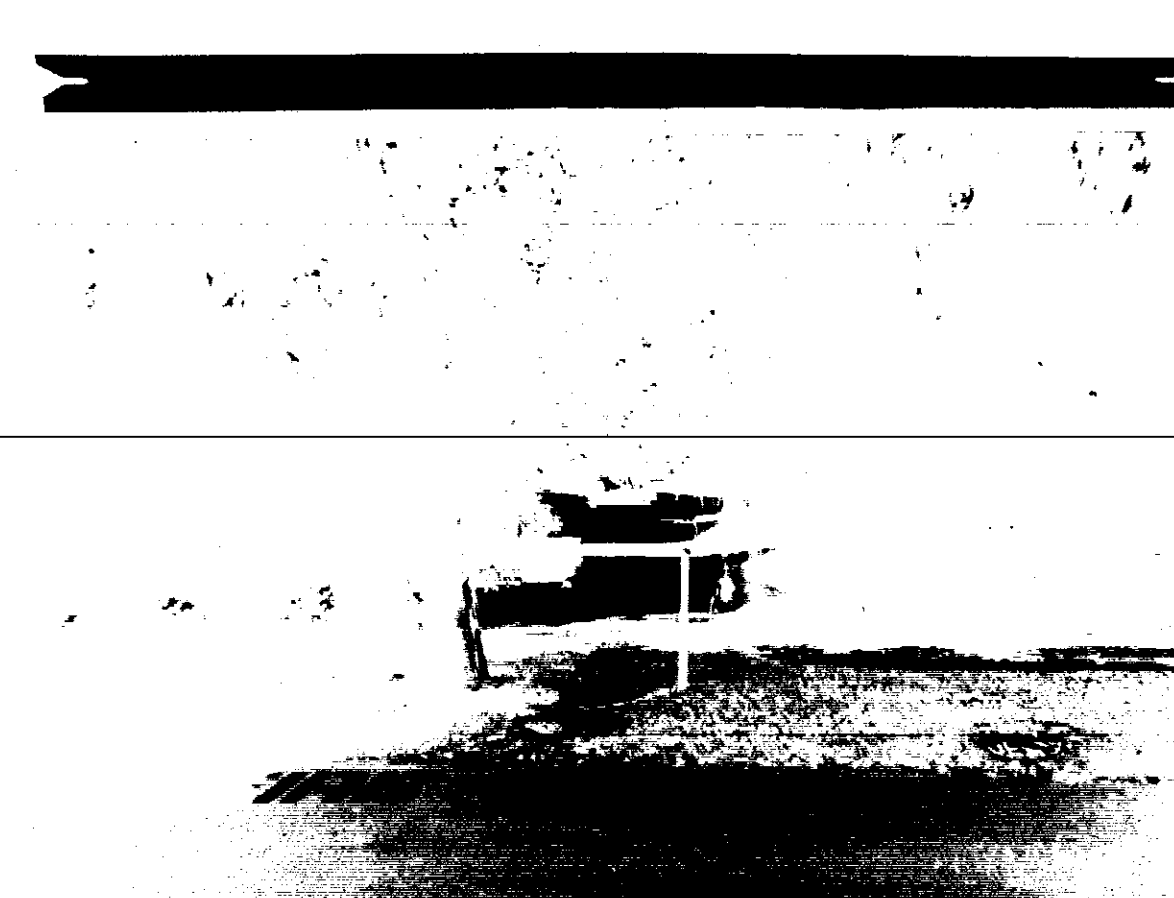
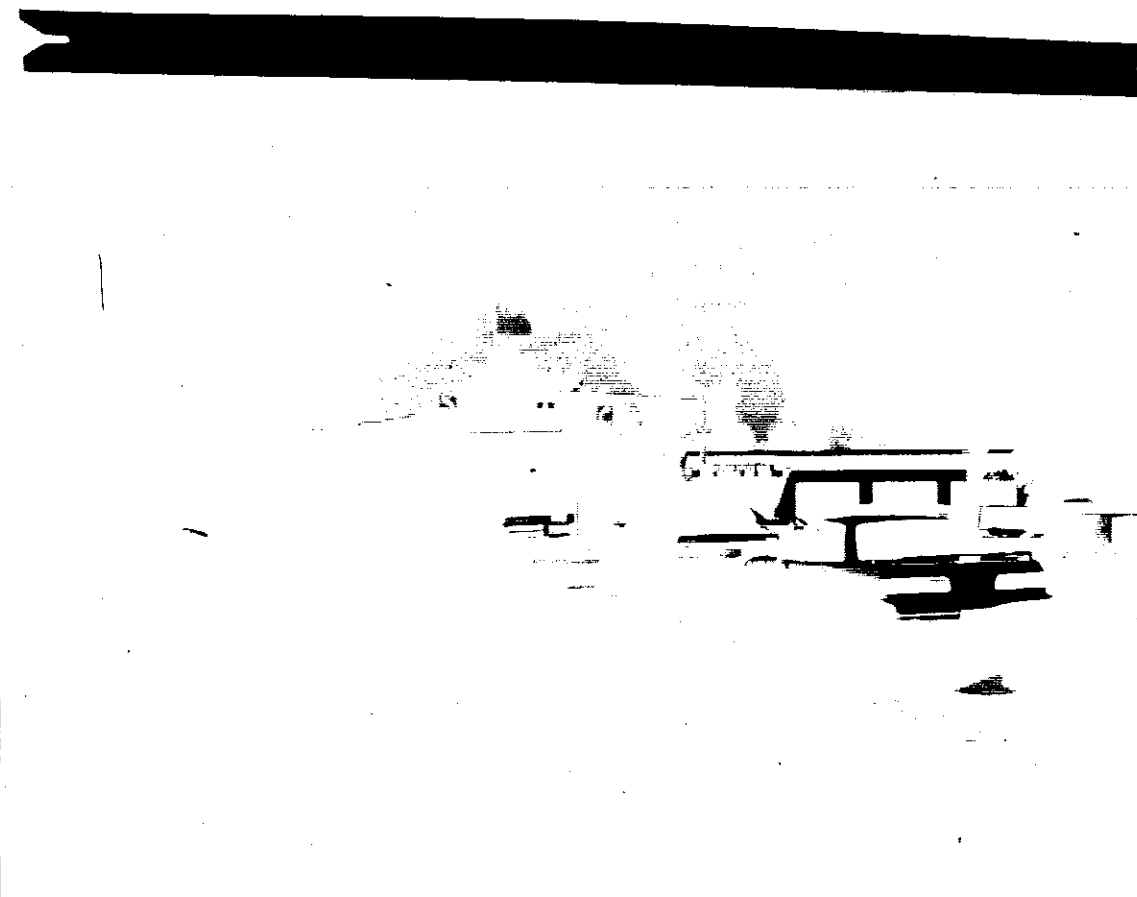
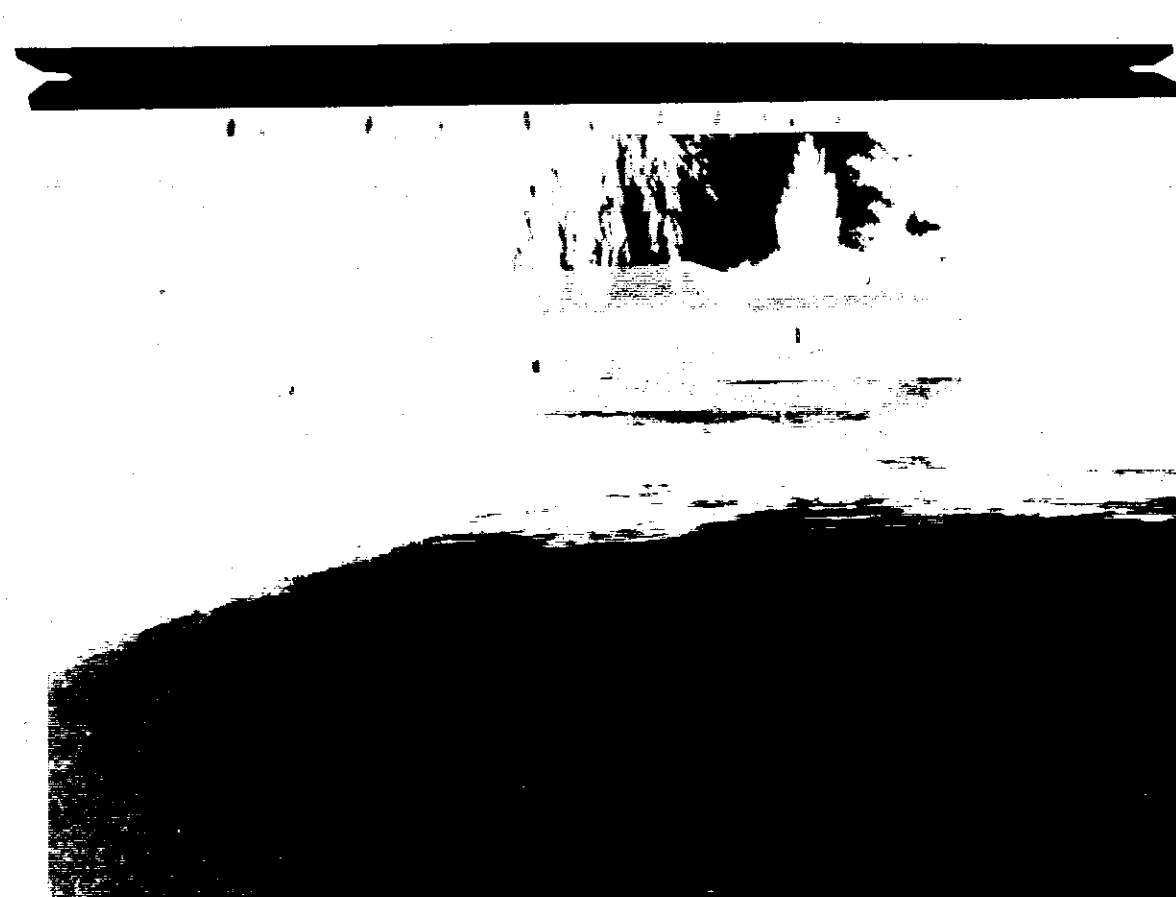
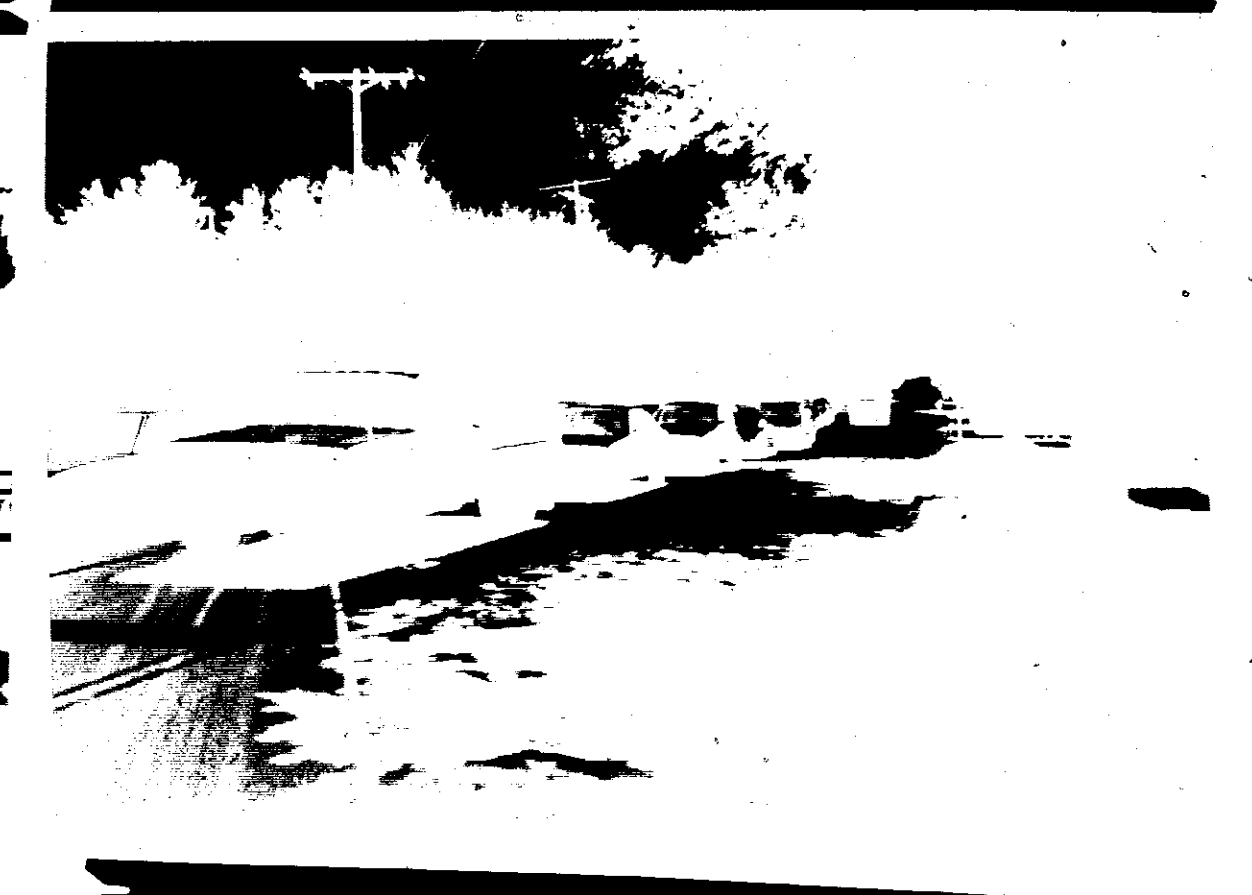
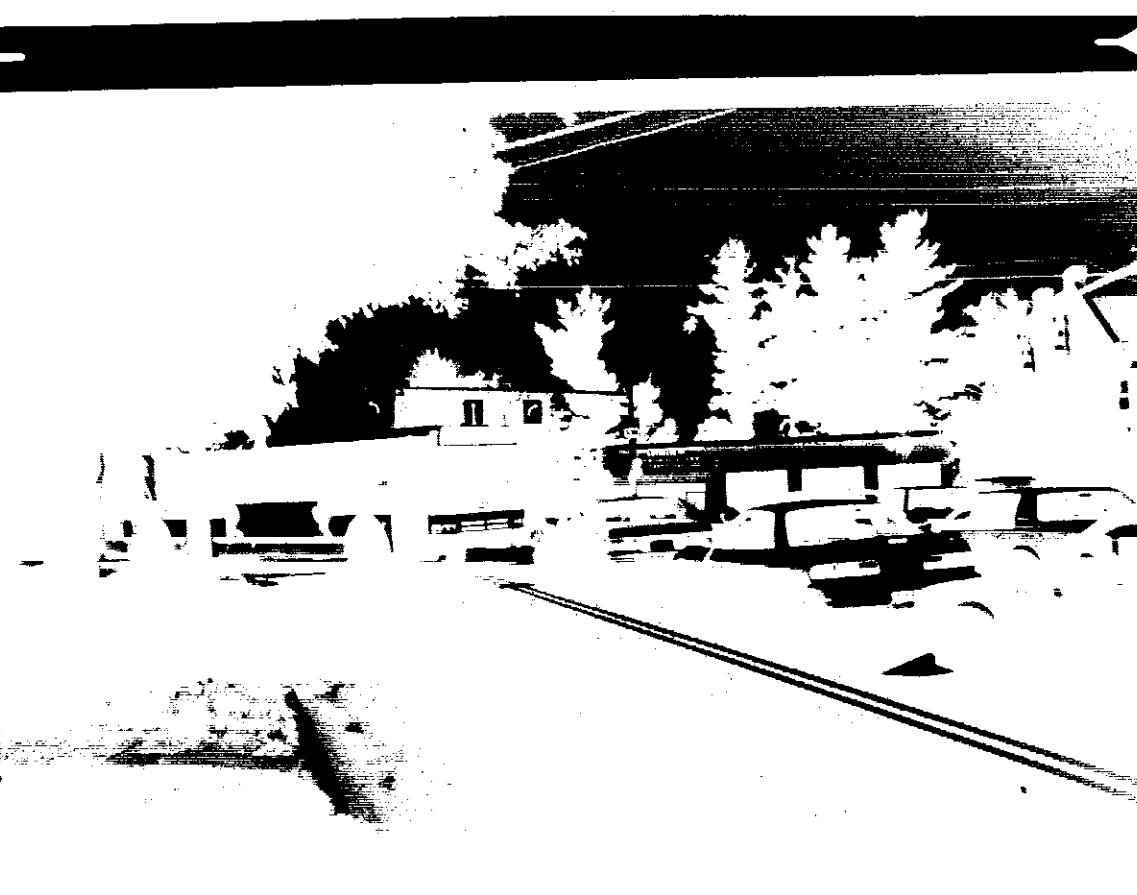
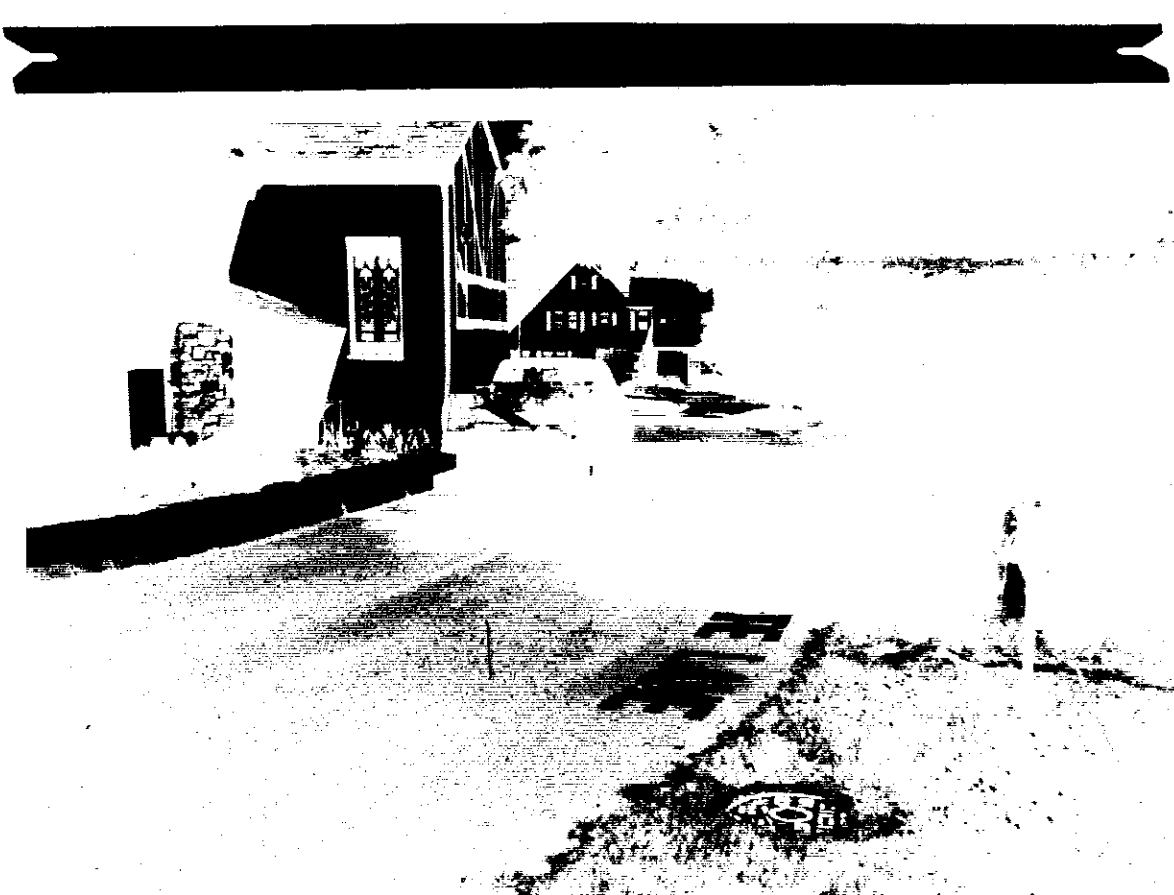
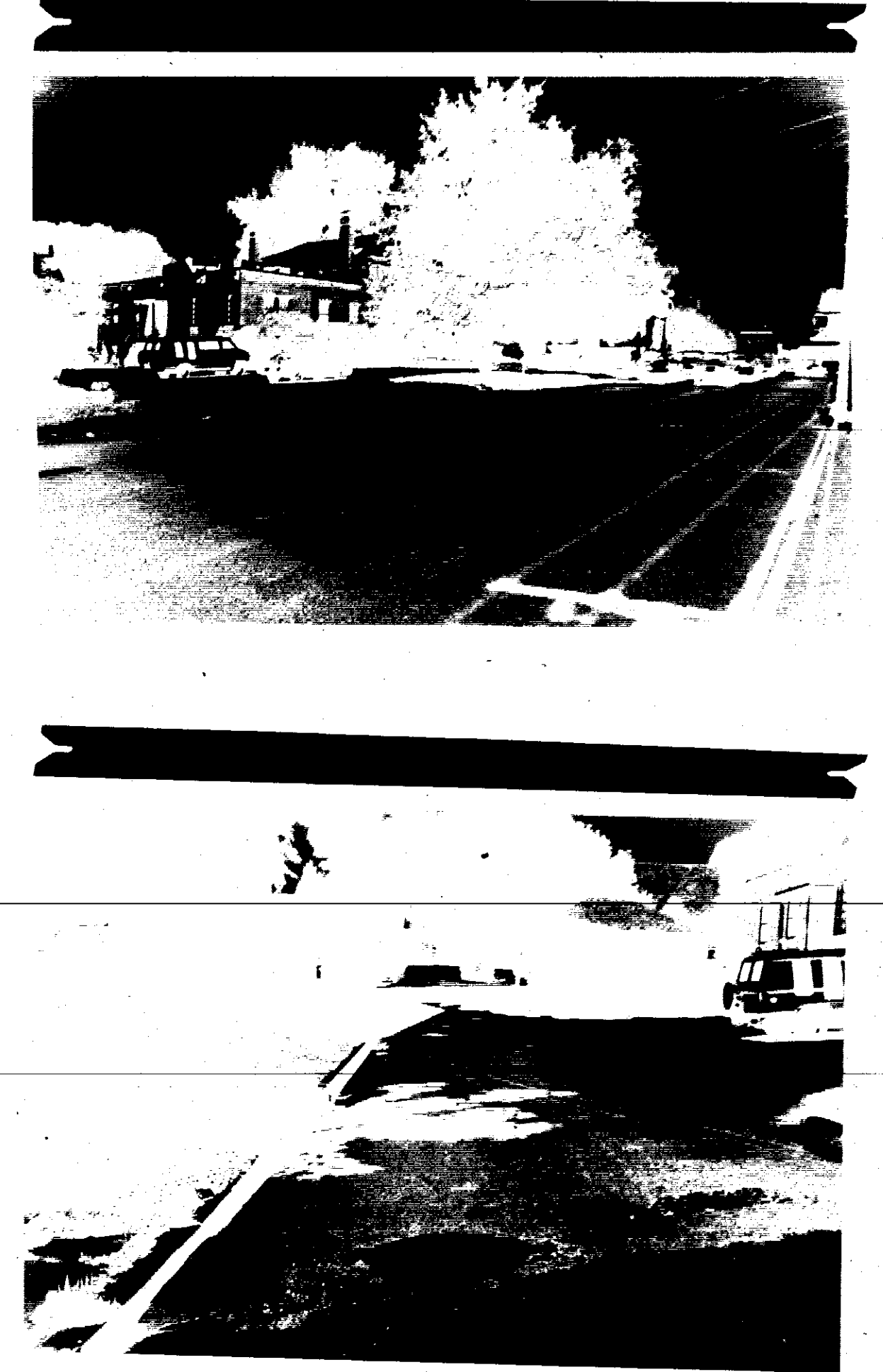
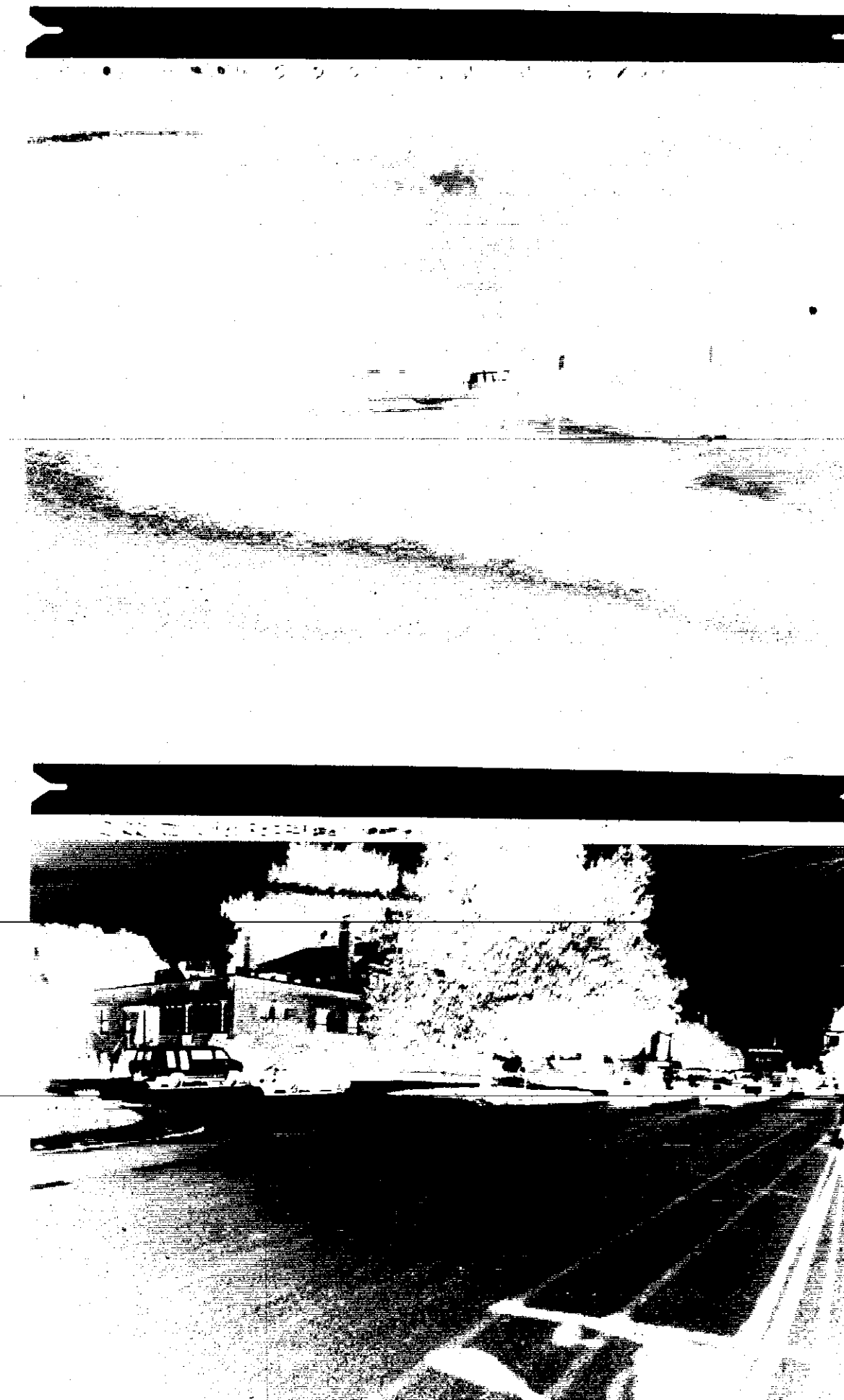
WHEREAS, the Department has certified that the intersection of
Harford Road and Joppa Road is now operating in the level-of-service
"D" range. The improvement in level-of-service from "F" to "D" is a
result of the widening of Joppa Road east of Harford Road and the
completion of the extension of White Marsh Boulevard from Honeygo
Boulevard to the Beltway; and

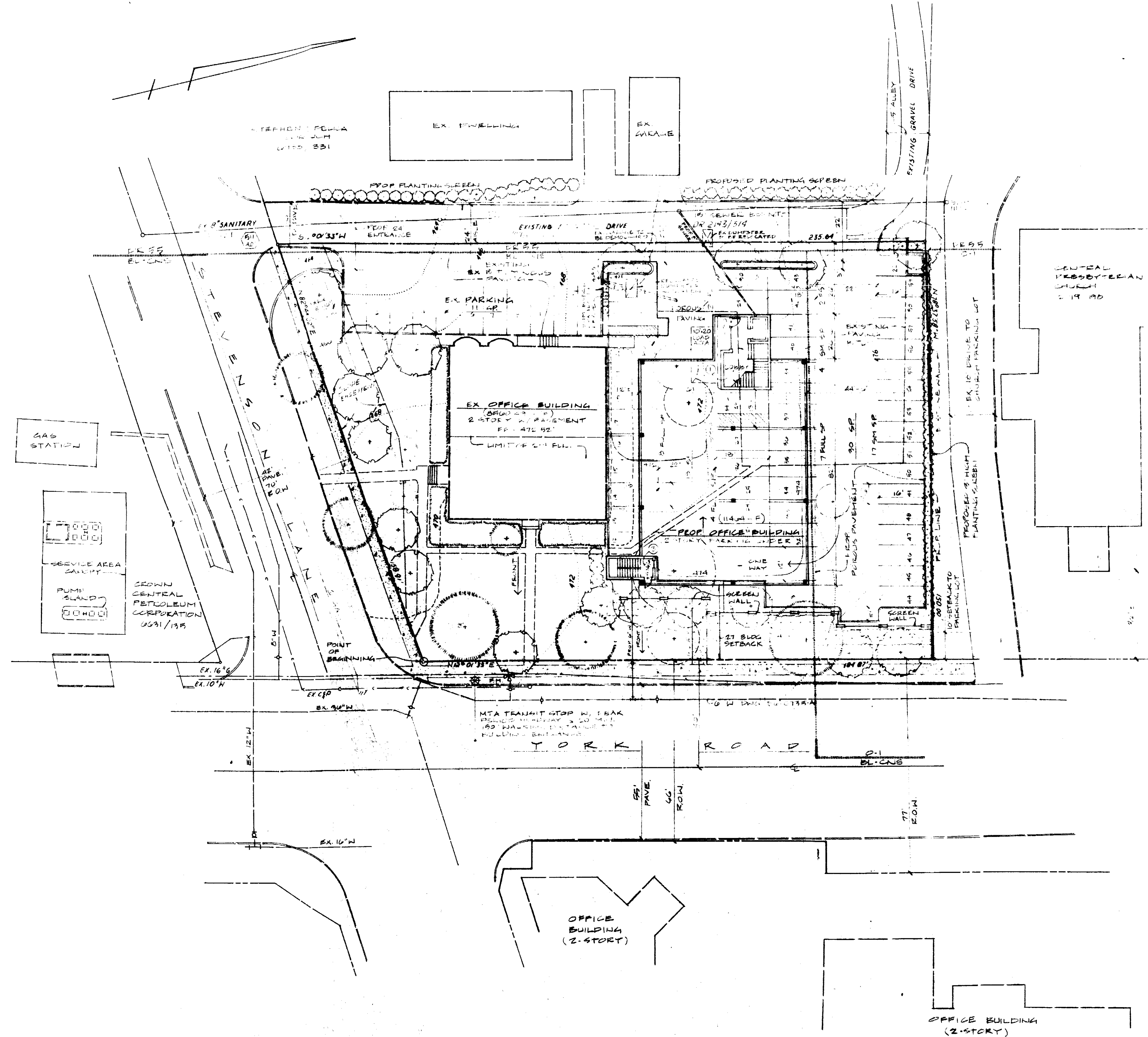
WHEREAS, the Baltimore County Planning Board, by Resolution
adopted July 15, 1991, recommended that the 1993 Basic Services

Polaroid
SUPER COLOR

Video
CASSETTE

Length/
Longueur:
VHS 246m T-120





existing structure on the B.L. zoned portion of the site in accordance with Petitioner's Exhibit 1. The Petitioner has already received CRG approval and all necessary zoning relief for the construction of this building, pursuant to the relief granted in prior Case No. 90-71-SPHA. The Petitioner is now ready to proceed with construction but has been unable to obtain a permit due to the failing intersection located at York Road and Burke Avenue which is approximately .9 mile north of the subject site. The traffic shed designation for this particular failing intersection terminates at the intersection of York and Stevenson Lane. However, included in that traffic shed are all properties located on the north side of Stevenson Lane. Since the proposed building is located on the north side of Stevenson Lane, it is included in this particular traffic shed.

In order to construct the building, the Petitioner must first seek approval of the special variance requested herein. The Petitioner argued at the hearing that the intersection of York Road and Burke Avenue is not failing at all. To support its contention, the Petitioner offered evidence that Baltimore County tested this particular intersection on five separate occasions in the Fall of 1992 and on all five occasions it was found to be operating at a level of "C" or "D". None of the tests resulted in the intersection operating at an "F" level. It should be noted, however, that it is not within the jurisdiction of this Deputy Zoning Commissioner to determine whether an intersection is failing. That determination is under the purview of the Baltimore County Council. However, authority is given to this Deputy Zoning Commissioner to grant special variances, pursuant to Section 4A02.4.F of the B.C.Z.R.

Based upon the testimony and evidence presented by the Petitioner, I find that the special variance should be granted. It was clear from the

testimony that the demand or impact of this proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit development and also that the granting of this Petition for Special Variance will not adversely affect a person who filed an application prior to the Petitioner's application. Furthermore, I find that the granting of this special variance will not violate the purpose of this provision and that the Petitioner has fully satisfied the requirements set forth in Section 4A02.4.F of the B.C.Z.R. In addition, the special variance requested will not be detrimental to the public health, safety or general welfare.

Appearing and testifying in opposition to the Petitioner's request were Ruth Cullison, Jean K. Duvall and Donald Gerding, all nearby residents of the area. The Protestants are fearful of the additional traffic that will be generated by the proposed office building. They fear that the traffic generated by the proposed building will cause more vehicles to drive through their residential neighborhood. They have already testified that this is an existing problem in their area due to the commercial growth along York Road.

It was obvious from the testimony of the Protestants that they are opposed to any additional building being constructed on the Petitioner's property. Their opposition was directed to the building itself and not to the failing intersection at York Road and Burke Avenue. In fact, when asked whether this failing intersection was the reason for their opposition, the Protestants responded in the negative. Their testimony was clear that they are opposed to the construction of this office building and the traffic it will generate, regardless of the failing intersection at York Road and Burke Avenue.

As stated previously, the Petitioner has already received CRG and zoning approval to construct this building. In the course of receiving that approval, the Petitioner entered into an agreement with the Wiltondale Improvement Association and Eileen C. Riley, dated March 19, 1991, which addressed the concerns of the community over the construction of this building. The testimony offered by the Protestants at the instant hearing appears to want to re-litigate the issues already resolved in prior Case No. 90-71-SPHA. It should be noted that it is not the purpose of this hearing to re-litigate those issues which were previously resolved.

The issue before this Deputy Zoning Commissioner is simple. The question is whether the Petitioner has satisfied the requirements of the B.C.Z.R. in order to obtain this special variance. As previously stated, I find that the Petitioner has satisfied those requirements and as such, the Petition for Special Variance should be granted.

Pursuant to the advertisement, posting of the property and public hearing held on this matter, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12 day of December, 1992 that the Petition for Special Variance requesting relief from Sections 4A02.4.D and 4A02.4.F.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit construction of an office building in a traffic shed that contains an "F" level intersection, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) There shall be no direct access to York Road from the subject site. All access to and from the subject property shall be from Stevenson Lane.

3) The Petitioner shall install a "No-Left Turn" sign at the exit from the subject property to prohibit any vehicles from making a left turn onto Stevenson Lane during the hours of 3:00 PM to 7:00 PM, Monday through Friday.

4) The Petitioner shall construct a concrete channel which prohibits vehicles from making a left turn from the adjacent Central Presbyterian Church driveway to the Petitioner's parking lot. Said concrete channel is more particularly described on Petitioner's Exhibit 1.

5) All other conditions, restrictions and agreements which were a result of, or imposed pursuant to, Case No. 90-71-SPHA, shall remain in full force and effect.

6) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/15/92
By [Signature]

- 2 -

ORDER RECEIVED FOR FILING
Date 12/15/92
By [Signature]

- 3 -

ORDER RECEIVED FOR FILING
Date 12/15/92
By [Signature]

- 4 -

ORDER RECEIVED FOR FILING
Date 12/15/92
By [Signature]

- 5 -

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



December 15, 1992

(410) 887-4386

Michael H. Davis, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL VARIANCE
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District - 4th Councilmanic District
York Stevenson Limited Partnership - Petitioner
Case No. 93-122-SA

Dear Mr. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Ruth Cullison
7312 Knollwood Road, Towson, Md. 21286

Ms. Jean K. Duvall
227 Murdock Road, Baltimore, Md. 21212

Mr. Donald Gerding
335 Old Trail Road, Baltimore, Md. 21212

Ms. Lori Ingraham
Towson Times, 409 Washington Avenue, 5th Floor, Towson, Md. 21204

People's Counsel; File



Petition for Variance

93-122-SA 121

to the Zoning Commissioner of Baltimore County

for the property located at 7300 York Road, Towson, Maryland 21204
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Owners have been unable to get relief from traffic shed even though the surrounding communities have entered into written agreements advocating their support of the project. Engineering, architectural, legal and holding costs exceed \$100,000. and are quickly reaching a point of making the project uneconomical. County has refused to make Burke Avenue one way to alleviate the problem while permitting development above Burke which only exacerbates the problem. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

York Stevenson Limited Partnership

Signature *[Signature]*

Address

City State Zipcode

600 Fairmount Avenue, Suite 306

Baltimore, Maryland 21204

Robert E. Latahau, Jr.

Address

City State Zipcode

410-821-6600

ESTIMATED LENGTH OF HEARING

minutes for hearing

the following date

ALL OTHER

REMOVED BY: JLG/CM DATE 10-6-92

Description of 31,538 Square Feet of Land,
Northwest Corner of York Road and
Stevenson Lane.

Beginning at a point in the north right-of-way line of Stevenson Lane and in the west right-of-way line of York Road; thence leaving said point of beginning and binding on the west right-of-way line of York Road

- 1) North 12° 01' 33" West 184.87 feet; thence leaving said right-of-way line
- 2) North 78° 37' 58" West 150.00 feet; thence
- 3) South 12° 01' 33" West 235.64 feet to a point in the north right-of-way of Stevenson Lane; thence binding on said line
- 4) North 82° 44' 02" East 158.91 feet to the point of beginning.

This description is for zoning purposes only and is not intended for use in the conveyancing of land.



93-122-SA

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY P3-122-SA
Towson, Maryland

District: P3 Date of Posting: 11/21/92
Posted for: Appeal
Petitioner: York Stevenson L.P. Partnership
Location of property: NW/Cor. York & Stevenson Lanes
7300 York Rd.
Location of Sign: Leaving York Rd. on property being appealed
Remarks: _____
Posted by: [Signature] Date of return: 1/29/93
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY P3-122-SA
Towson, Maryland

District: SA Date of Posting: 10/28/92
Posted for: Special Variance
Petitioner: York Stevenson Limited Partnership
Location of property: 7300 York Rd. (NW/Cor. York Rd & Stevenson Lane)
Location of Sign: Leaving York Rd. on property being appealed
Remarks: _____
Posted by: [Signature] Date of return: 11/6/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/22, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/22, 1992.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

Case #92-100-000000 (121)
NOTE: Hearings are held at 10:00 a.m. in Room 106, Office Building.
LAWRENCE E. SCHMIDT
Zoning Administrator
Baltimore County
NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
10/24/92 October 24

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

PAID PER HAND-WRITTEN RECEIPT DATED 10/6/92
10/06/92 H9300121

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1 X	\$250.00
TOTAL:		\$250.00

LAST NAME OF OWNER: YORK STEVENSON

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

DATE: 10-6-92 ACCOUNT: R001-6150
AMOUNT: \$ 250.00
RECEIVED FROM: ROBERT LATSHAW
FOR: Comm. Variance
DA04#00071N1CHRC \$250.00
VALIDATION OR SIGNATURE OF CASHIER
DA04#00091N1CHRC \$63.58
BA C01149AM11-23-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 11-2-92

York Stevenson Limited Partnership
600 Fairmount Avenue, Suite 306
Baltimore, Maryland 21204

RE:
CASE NUMBER: 93-122-SA (Item 121)
MAC York Road and Stevenson Lane
7300 York Road
"Latschaw, et al property"
3rd Election District - 4th Councilmanic
Petitioner(s): York Stevenson Limited Partnership
HEARING: FRIDAY, NOVEMBER 20, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 63.58 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via REGISTER mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

OCT. 15 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-122-SA (Item 121)
MAC York Road and Stevenson Lane
7300 York Road
"Latschaw, et al property"
3rd Election District - 4th Councilmanic
Petitioner(s): York Stevenson Limited Partnership
HEARING: FRIDAY, NOVEMBER 20, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Special Variance to permit construction of an office building in a traffic shed that contains an "m" level intersection.

Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: York Stevenson Limited Partnership

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10-6-92 ACCOUNT: R001-6150
AMOUNT: \$ 250.00
RECEIVED FROM: ROBERT LATSHAW
FOR: Comm. Variance
DA04#00071N1CHRC \$250.00
VALIDATION OR SIGNATURE OF CASHIER

93-122-SA

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Mr. Robert E. Latschaw, Jr.
600 Fairmount Avenue STE 306
Towson, MD 21204

RE: Item No. 121, Case No. 93-122-SA
Petitioner: York Stevenson Limited Partnership, et al
Petition for Special Variance

Dear Mr. Latschaw:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate that the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 6th day of October, 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: York Stevenson Limited Partnership, et al
Petitioner's Attorney:

Developer's Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Deanna H. Ramsey Date: 10/26/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ April L. and Wayne M. Rother	118		10-19-92 NC
✓ York Stevenson Limited Partnership			NC
✓ Cheryl Cronin	122		NC
✓ Operating engineers Local No. 37	123		NC
✓ Baltimore Gas And Electric Company	124		comment
✓ St Paul's Boy's and Girls school of St. Paul's Parish	125		NC
✓ Melvin N. and Debbie G. Kramer	126		NC
✓ John Henry and Elaine Eleanor Baker	127		NC
✓ Lewis Brooks Ramsey	128		comment

COUNT 9
Stonegate at Patapsco (Aerial Property)
90476 ZON DED TE (Waiting for developer to submit plans first)
6-1-92
COUNT 1
FINAL TOTALS
COUNT 10

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

October 26, 1992

Ms. Julie Winiarski
Zoning Administration and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Baltimore County
MD 45
York Stevenson
Item No: #121 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and offer the following.

SHA cannot recommend approval of an additional commercial use to a property based upon the information provided to us with the request.

Prior to approving the variance, we request the county require a traffic study be submitted which identifies the impacts the proposed development will have on the surrounding highway network and what, if any, improvements could be provided to minimize those impacts.

The traffic study should be reviewed by both county and SHA traffic staff prior to any approvals being granted.

Please contact David Ramsey at (410) 333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David N. Ramsey
John Contestabile, Chief
Engineering Access Permits
Division

DNR:maw

My telephone number is 410-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 568-0451 D.C. Metro - 1-800-493-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: October 21, 1992

SUBJECT: Latshaw Property

INFORMATION:
Item Number: 121
Petitioner: York Stevenson Limited Partnership
Property Size: 0.96 acres
Zoning: BL-CNS, O-1, DR 5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a special variance to permit construction of an office building in an "F" level traffic shed.

The Office of Planning and Zoning recommends DENIAL of the petitioner's request due to inadequate information.

The petition for a special variance from the provisions of Section 4A02.4.F.1 must establish that the variance, if granted, will not violate the provision's purpose. The information submitted is insufficient to determine the following:
a. that the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and
b. that the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with subsection 4A02.3.G.2.B.

Prepared by: Francis Morley

Division Chief: Erin McDaniel

EMC/DF:rdn

121.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration

FROM: Stephen E. Weber, P.E.
Assistant Traffic Engineer

DATE: October 28, 1992

SUBJECT: ZAC Comments
ZAC Meeting Date: October 19, 1992
Item No. 121

This particular parcel has had previous traffic studies conducted by both this office and the developer's traffic consultant to determine whether it should be located inside the transportation deficient area for York Road and Burke Avenue, currently rated level-of-service "F" on the 1992 Transportation Basic Services Map.

Our previous studies conducted in 1991 indicated that should the site have access to York Road, it should still be within the deficient area. This is because studies we made of an office building just to the north of the subject site, with access to only York Road, did indicate that by a slight amount the major portion of the traffic to and from that site was oriented towards York Road and Burke Avenue. However, it was also our determination that if the access was limited to Stevenson Lane only, that less than 50% of the traffic oriented towards York Road and Stevenson Lane would go thru the York Road and Burke Avenue intersection. In that situation, such a site would normally not be included within the deficient area.

While the subject site shows access only to Stevenson Lane, we go under the generalized assumption that a property has access to any road to which it is legally entitled when establishing deficient areas. Therefore we have not recommended that the boundary on the Basic Services Maps be changed to exclude this site. If we did so and the maps were changed, the property owner could then submit a new plan with access to York Road and there would be no way to prevent issuing building permits.

If there is a mechanism to restrict access from the subject site to only Stevenson Lane, we would find the site to generate a smaller percentage of its trips through the York Road and Burke Avenue intersection than that which we have established to include properties within the deficient transportation area for York Road and Burke Avenue. We have questioned previous speculation of the possibility to connect the alley on the west side of the site to Central Presbyterian Church to the north. If that is done we feel it will compromise the site by in essence allowing it direct access to York Road through the church property. While the petitioner may not have any plans to construct such a connection, does the church have the right to use the alley and open the connection themselves? Since they are not a party to the petition, how can their actions be adequately controlled? If any consideration is given to grant the petition for special variance, it should be done with the restriction of all access being to Stevenson Lane and ensuring some mechanism that it continues to be controlled.

SEW/lvd

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(410) 887-4500

OCTOBER 16, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: YORK STEVENSON LIMITED PARTNERSHIP

Location: #7300 YORK ROAD

Item No.: +121 (JCM) Zoning Agenda: OCTOBER 19, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Jerry P. P.
Planning Group
Special Inspection Division

JP/KEK

Rec'd 10/21/92

APPEAL

Petition for Special Variance
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District - 4th Councilmanic District
YORK STEVENSON LIMITED PARTNERSHIP - PETITIONER
Case No. 93-122-SA

Petition(s) for Special Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat to accompany petition

2. Qualifications of Nickey A. Cornelius

3. Traffic Group Study

4. Copy of ZC's Order - Case No. 90-145-SPHXA

Protestant's Exhibits: 1. Letter from The Knollwood-Donnebrook Improvement Association

Deputy Zoning Commissioner's Order dated December 15, 1992 (Granted with restrictions)

Notice of Appeal received on December 30, 1992 from People's Counsel

cc: Robert Latshaw, Jr. - York Stevenson Limited Partnership
600 Fairmount Avenue, Suite 306, Baltimore, MD 21204
Ruth Cullison - 7312 Knollwood Road, Towson MD 21286
Jean K. Duvall - 227 Murdock Road, Baltimore MD 21212
Donald Gerding - 335 Old Trail Road, Baltimore MD 21212
Loni Ingraham - Towson Times
409 Washington Avenue, 5th Floor, Towson MD 21204
People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204
File

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Public Services

York-Stevenson Limited Partnership #93-122-SA
NW/Corner York Road and Stevenson Lane
(7300 York Road)

RE: SPECIAL VARIANCE

No. 93-122-SA

October 6, 1992

Petition for Special Variance filed by Robert E. Latshaw, Jr., General Partner of York Stevenson Limited Partnership, for a variance from Section 4A02.4D and 4A02.4F of the B.C.Z.R. to permit construction of an office building in a traffic shed that contains and "F" level intersection.

November 20

Hearing held on Petition by the Deputy Zoning Commissioner.

December 15

Order of the Deputy Zoning Commissioner GRANTING Petition for Special Variance.

December 30

Order of Appeal received from People's Counsel for Baltimore County.

September 2, 1993

Hearing before the Board of Appeals.

September 22

Opinion and Order of the Board GRANTING the Petition for Special Variance (subject to restrictions).

October 21

Petition for Judicial Review of Administrative Agency Decision filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County.

October 25

Copy of Petition for Judicial Review of Administrative Agency Decision received by the Board of Appeals from the Circuit Court for Baltimore County.

October 26

Certificate of Notice sent to interested parties.

November 22

Motion to Extend Time for Transmittal of Record filed by People's Counsel; testimony filed; Record of Proceedings filed in the Circuit Court.

NEVER FILED: DISMISSED

Request for dismissal filed by People's Counsel for Baltimore County, Petitioner.

March 8, 1994

Order of the Circuit Court for Baltimore County in which Petition for Judicial Review filed by People's Counsel is DISMISSED as moot. (Judge James T. Smith, Jr.)



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 18, 1991

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Re: Case Nos. CBA-89-191 (Latshaw Property) and 90-71-SPHA (York & Stevenson Ltd. Part.)

Dear Mr. Hoffman:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul
Legal Secretary

Enclosure

cc: Robert E. Latshaw, Jr. - York & Stevenson Ltd. Part.
People's Counsel for Baltimore County
Michael P. Tanczyn, Esquire - Latshaw Commercial Properties
Mr. Robert J. Smith - Mr. Ollie Mumpower
Mr. Bill Kirwin - Ms. Margie Prevot
Ms. Barbara Ramsey - J. Strong Smith
J. Markwood Harp, Sr. - Mr. Craig W. Parker
Mr. Patrick C. Dolan - Ms. Carol Natale
Mr. Bob Howanski - Mr. Arthur Kutcher
Ms. Eileen Riley - P. David Fields
Pat Keller - Lawrence E. Schmidt
Timothy M. Kotroco - James E. Dyer
W. Carl Richards, Jr. - Docket Clerk - Zoning
Arnold Jablon, Director - Zoning Administration
Current Planning - Economic Development Commission
Developers Engineering Division - Robert E. Covahey
David L. Thomas - Jose H. Escalante
Nancy C. West, Esquire

RECEIVED
DEC 19 1991
ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 11, 1993

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Variance
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District, 4th Councilmanic District
YORK STEVENSON LIMITED PARTNERSHIP - PETITIONER
Case No. 93-122-SA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 30, 1992 by People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

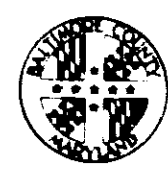
Very truly yours,

Arnold Jablon
Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

cc: Robert Latshaw, Jr. - York Stevenson Limited Partnership
600 Fairmount Avenue, Suite 306, Baltimore, MD 21204
Ruth Cullison - 7312 Knollwood Road, Towson MD 21286
Jean K. Duvall - 227 Murdock Road, Baltimore MD 21212
Donald Gerding - 335 Old Trail Road, Baltimore MD 21212
Loni Ingraham - Towson Times
409 Washington Avenue, 5th Floor, Towson MD 21204
People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204
File



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
May 10, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-122-SA YORK STEVENSON LIMITED PARTNERSHIP
NW/corner York Road and Stevenson Lane
(7300 York Road)
9th Election District
4th Councilmanic District

SA -to permit construction of an office building in a traffic shed that contains an "F" level intersection.

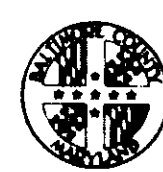
12/15/92 -DZC's Order in which Petition was GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, JUNE 24, 1993 AT 10:00 a.m.

cc: Michael H. Davis, Esquire Counsel for Petitioner
Robert Latshaw, Jr., Petitioner
York Stevenson Ltd Partnership
People's Counsel for Baltimore County
Ruth Cullison
Jean K. Duval
Donald Gerding
Loni Ingram /Towson Times
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Requester postponement. GRANTED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
June 24, 1993

NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-122-SA YORK STEVENSON LIMITED PARTNERSHIP
NW/corner York Road and Stevenson Lane
(7300 York Road)
9th Election District
4th Councilmanic District

SA -to permit construction of an office building in a traffic shed that contains an "F" level intersection.

12/15/92 -DZC's Order in which Petition was GRANTED with restrictions.

which was scheduled to be heard on June 24, 1993 has been POSTPONED on the record at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: THURSDAY, SEPTEMBER 2, 1993 AT 10:00 a.m.

cc: Michael H. Davis, Esquire Counsel for Petitioner
Robert Latshaw, Jr., Petitioner
York Stevenson Ltd Partnership
People's Counsel for Baltimore County
Ruth Cullison
Jean K. Duval
Donald Gerding
Loni Ingram /Towson Times
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 22, 1993

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 93-122-SA
York-Stevenson Limited Partnership

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order

Issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Michael H. Davis, Esquire
Mr. Robert Latshaw, Jr.
Ms. Ruth Cullison
Ms. Jean K. Duval
Mr. Donald Gerding
Ms. Loni Ingraham
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon, Director /ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 26, 1993

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

93-122-SA

RE: Civil Action No. 93-CV-09569
YORK-STEVENSON LIMITED PARTNERSHIP

Dear Mr. Zimmerman:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 26, 1993

Michael H. Davis, Esquire
Suite 200A, 101 E. Chesapeake Avenue
Towson, MD 21204

93-122-SA
RE: Civil Action No. 93-CV-09569
YORK-STEVENSON LIMITED PARTNERSHIP

Dear Mr. Davis:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on October 21, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. Robert Latshaw, Jr.
Ms. Ruth Cullison
Ms. Jean K. Duval
Mr. Donald Gerding
Ms. Loni Ingraham
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon /ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 29, 1993

Michael H. Davis, Esquire
Venable, Baetjer & Howard
210 W. Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

93-122-SA
RE: Civil Action No. 93-CV-09569
YORK-STEVENSON LIMITED PARTNERSHIP

Dear Mr. Davis:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on October 21, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

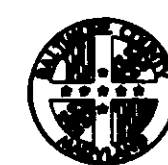
Enclosed is a copy of the Amended Certificate of Notice reflecting your corrected address, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. Robert Latshaw, Jr.
Ms. Ruth Cullison
Ms. Jean K. Duval
Mr. Donald Gerding
Ms. Loni Ingraham
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon /ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 30, 1994

Michael H. Davis, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Case No. 93-122-SA
YORK-STEVENSON LIMITED PARTNERSHIP

Dear Mr. Davis:

As no further action has been taken regarding the subject matter since the March 3, 1994 Order of the Circuit Court, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

Anyone interested in this case can contact the Gwen Stephens of Zoning Administration at 887-3391 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Robert Latshaw, Jr.
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: June 30, 1994
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: Case No. 93-122-SA
YORK-STEVENSON LIMITED PARTNERSHIP
District 9C4

Pursuant to our recent receipt of the Dismissal Order issued by the Circuit Court for Baltimore County and as no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE AND DECISION OF THE COUNTY REVIEW GROUP * BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * NORTHWEST CORNER OF YORK ROAD AND STEVENSON LANE (7300 YORK ROAD) * 9TH ELECTION DISTRICT * 4TH COUNCILMANIC DISTRICT * YORK AND STEVENSON LIMITED PARTNERSHIP, PETITIONER * CASE NOS.: 90-71-SPHA; CBA-89-191

ORDER OF DISMISSAL

County Board of Appeals Case No. 90-71-SPHA was called for hearing on January 29, 1991 at 10:00 a.m. Before any testimony or evidence was received, People's Counsel withdrew her appeal. Prior to concluding the hearing, the Board did receive an Agreement between the York-Stevenson Limited Partnership, The Wiltondale Improvement Association and Eileen C. Riley, dated March 19, 1991 and a site plan marked Petitioner's Exhibit No. 1, both of which are entered into the case file. All appeals in both referenced cases having been withdrawn, the Board will therefore dismiss the appeals in this case.

IT IS HEREBY ORDERED this 13th day of December, 1991, by the County Board of Appeals of Baltimore County, that all appeals previously filed in Case Nos. 90-71-SPHA and CBA-89-191 are hereby DISMISSED WITH PREJUDICE.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett

John G. Disney

Michael B. Schatz

RE: PETITION FOR SPECIAL VARIANCE : BEFORE THE ZONING COMMISSIONER NW/Corner York & Stevenson Lane (7300 York Road) : OF BALTIMORE COUNTY 9th Election District : 4th Councilmanic District : YORK STEVENSON LIMITED PARTNERSHIP, Petitioner : Case No. 93-122-SA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman

Phyllis Cole Friedman

Phyllis Cole Friedman

Peter Max Zimmerman

Peter Max Zimmerman

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RE: PETITION FOR SPECIAL VARIANCE : BEFORE THE ZONING COMMISSIONER NW/Corner York & Stevenson Lane (7300 York Road) : OF BALTIMORE COUNTY 9th Election District : 4th Councilmanic District : YORK STEVENSON LIMITED PARTNERSHIP, Petitioner : Case No. 93-122-SA

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of December 15, 1992, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman

Phyllis Cole Friedman

Phyllis Cole Friedman

Peter Max Zimmerman

Peter Max Zimmerman

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IN THE CIRCUIT COURT FOR BALTIMORE COUNTY : 93 OCT 25 AM 10:00 : PETITION OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY : : FOR JUDICIAL REVIEW OF THE DECISION OF THE BALTIMORE COUNTY BOARD OF APPEALS : Room 49, Old Courthouse : Towson, Maryland 21204 : Civil Action : Ecket No. : Folio No. : IN THE CASE OF: IN THE MATTER OF THE APPLICATION OF YORK-STEVENSON LIMITED PARTNERSHIP FOR A SPECIAL VARIANCE : Case No. 93-122-SA

PETITION FOR JUDICIAL REVIEW

People's Counsel for Baltimore County hereby requests judicial review by the Circuit Court for Baltimore County in accordance with Maryland Rule 7-202 from the Order of the County Board of Appeals dated September 22, 1993. The Petitioners were party to the agency proceeding below.

Peter Max Zimmerman

Peter Max Zimmerman

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IN THE CIRCUIT COURT FOR BALTIMORE COUNTY : PETITION OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY : Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 : FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY : Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 : CIVIL ACTION : No. 93-CV-09569 : /65/51 : IN THE CASE OF: IN THE MATTER OF YORK-STEVENSON LIMITED PARTNERSHIP FOR A SPECIAL VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST CORNER YORK ROAD AND STEVENSON LANE (7300 YORK ROAD) : 9TH ELECTION DISTRICT : 4TH COUNCILMANIC DISTRICT : CASE NO. 93-122-SA

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Robert O. Schuetz and Harry E. Buchheister, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, Petitioner; Michael H. Davis, Esquire, Suite 200A, 101 E. Chesapeake Avenue, Towson, MD 21204, Counsel for Mr. Latshaw; Robert Latshaw, Jr., Latshaw & Company, 502 Baltimore Avenue, Inns of Court, Baltimore, MD 21204-4525, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

RECEIVED AND FILED

93 OCT 26 PM 1:29

CLERK OF BALTIMORE COUNTY

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY : PETITION OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY : Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 : FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY : Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 : CIVIL ACTION : No. 93-CV-09569 : /65/51 : IN THE CASE OF: IN THE MATTER OF YORK-STEVENSON LIMITED PARTNERSHIP FOR A SPECIAL VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST CORNER YORK ROAD AND STEVENSON LANE (7300 YORK ROAD) : 9TH ELECTION DISTRICT : 4TH COUNCILMANIC DISTRICT : CASE NO. 93-122-SA

AMENDED CERTIFICATE OF NOTICE ADDRESS CORRECTION/COUNSEL FOR PETITIONER

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Robert O. Schuetz and Harry E. Buchheister, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, Petitioner; Michael H. Davis, Esquire, Suite 200A, 101 E. Chesapeake Avenue, Towson, MD 21204, Counsel for Mr. Latshaw; Robert Latshaw, Jr., Latshaw & Company, 502 Baltimore Avenue, Inns of Court, Baltimore, MD 21204-4525, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Charlotte E. Radcliffe

IN THE MATTER OF THE APPLICATION OF YORK-STEVENSON LIMITED PARTNERSHIP FOR A SPECIAL VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST CORNER YORK ROAD AND STEVENSON LANE ZONING CASE NO. 93-122-SA : IN THE CIRCUIT COURT FOR BALTIMORE COUNTY : CASE NO: 93-CV-09569

MOTION TO EXTEND TIME FOR TRANSMITTAL OF RECORD

People's Counsel for Baltimore County, pursuant to Rule 7-206(d), moves for an extension of time, as follows:

1. The Petition for Judicial Review was received by the Baltimore County Board of Appeals on or about October 28, 1993.
2. Normally, the record must be transmitted within sixty (60) days, by Monday, December 27, 1993.
3. The County Council of Baltimore County will shortly review Basic Services Maps pertaining to transportation which will affect this appeal.
4. If the County Council reclassifies the intersection of York Road and Burke Avenue so that it is no longer a failing intersection, the essential reason for this appeal will no longer be operative, and the petition in controversy would appear to be moot.
5. An extension of time of an additional sixty (60) days within which to transmit the record will give ample opportunity to review the forthcoming County Council action and the consequences for this appeal.
6. The extension of time may also avoid unnecessary delay and expense for all parties.

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CLERK OF BALTIMORE COUNTY

CIRCUIT COURT FOR BALTIMORE COUNTY CIVIL CATEGORY JUDICIAL REVIEW 65/51/93CV9569

ATTORNEYS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY : PETITION OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY : BOARD OF APPEALS : IN THE MATTER OF THE APPLICATION OF YORK-STEVENSON LIMITED PARTNERSHIP FOR A SPECIAL VARIANCE

Carole S. Demilio
Room 47 Old Courthouse
400 Washington Avenue
Towson, MD 21204 887-2188

Michael H. Davis
210 Allegheny Ave.
P.O. Box 5517 21204
494-6281

CASE NUMBER 93-122-SA

al (1) October 21, 1993 People's Counsel for Baltimore County's request for a judicial review of the decision of the County Board of appeals, fd.

COSTS

PH(2) Dec 7, 1993 Motion and Order of Court extending the time for the transmittal of the record to 2/23/94, fd. (DML)

tr (3) Dec. 10, 1993 York Stevenson's response to petition for judicial review, fd. (rec'd Nov. 23, 1993)

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COUNTY BOARD OF APPEALS
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True Copy Test

SUZANNE H. HART, Clerk

Tom H. H. H. H.

3/08/94 - Dismissed as Moot by Circuit Court (Judge James T. Smith, Jr.)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204

FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF YORK-STEVENSON LIMITED PARTNERSHIP FOR A SPECIAL VARIANCE

CASE NO. 93-122-SA

ORDER

Upon review of the record and the foregoing suggestion of dismissal, it is, this 3rd day of March, 1994, Ordered by the Circuit Court for Baltimore County, that the Petition for Judicial Review filed by People's Counsel for Baltimore County in this case be, and hereby is, dismissed as moot.

Judge, Circuit Court for Baltimore County

THOMAS J. TEST
SUZANNE WENSH, Clerk

Assistant Clerk

FILED MAR 6 1994

DATE: Sept 2-1993

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: 93-122-SA

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	Community Group You Represent? Basis of Your Concerns
✓	Don K. Hackett 627 W. Main St. 21204 372-4541	Self
✓	Donald Gerding 435 Old Trail 21204 372-0894	NO BUILDING F - level 8000
✓	Richard P. Hackett 412 Woodbine Ave 21204 372-0894	NO BUILDING F - level 8000
✓	FRANK K. HACKETT 963-5776 182 DUMFRIES RD 21204	NO BUILDING F - level 8000
✓	JOHN C. KIDD JR 805-7100 182 DUMFRIES RD 21204	NO BUILDING F - level 8000
✓	JANICE M. MOORE 583-9543 182 DUMFRIES RD 21204	NO BUILDING F - level 8000

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: 93-122-SA

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ZONING COMMISSIONER - WITNESS FORM

NAME: Ruth Cullison

ADDRESS: 7312 Knollwood Road, Towson 21286

COMPANY: Knollwood-Dorsey Brook Improvement Association

ADDRESS:

REPRESENTING:

SUPPORTING: PETITIONER PROTESTANT

TESTIMONY: see attached letter.

John K. Russell - 377 W. Main St. 21204
RESIDENT OF OVER 20 YRS.

DONALD GERDING 435 OLD TRAIL - Baltimore 21204
RESIDENT OF MORE THAN 30 YRS.

LOUI INGRAHAM TOWSON TIMES, 400 WASHINGTON AVE, 5TH FLOOR
TOWSON, MD, 21204 337-2400

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Michael H. Davis VBRH	210 Allaghe Ave Towson 21204
Robert E. Latschaw, Jr.	502 Baltimore Avenue
York Stevenson Ltd. Part.	Baltimore, MD 21204-4525
MICKEY CORNELIUS	40 W CHESAPEAKE AVE. TOWSON

THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

June 23, 1993

Mr. William Hackett
Baltimore County Board of Appeals
401 Bosley Avenue
Towson, MD 21204

Hand Delivered

Re: Case No. 93-122-SA

Dear Mr. Hackett:

On behalf of The Valleys Planning Council, I would like to support strongly the concerns of the People's Counsel and the community with regard to development within failing traffic shed areas.

Wisely, Baltimore County does not permit new construction to go forward where the infrastructure, be it schools, roads, or the like, cannot support increased population and use.

We believe that an extremely poor precedent for the entire county would be set to allow a variance for additional office space within a failing traffic shed.

Surely, there is no extraordinary need for a variance from this procedure when the existing office space in Baltimore County is acknowledged as overbuilt and begging.

Thank you for your attention to this important matter.

Sincerely,

Margaret Worrall
Margaret Worrall
Executive Director

cc: Peter M. Zimmerman
Robert H. Hoffman

THE KNOLLWOOD-DORSEY BROOK IMPROVEMENT ASSOCIATION, INC.

November 12, 1992

Mr. Arnold Jablon, Director,
Zoning Administration & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 7300 York Road

Dear Mr. Jablon,

Please be advised that the Knollwood-Dorsey Brook Improvement Association met on November 11, 1992, and voted to oppose the petition for variance for the property at 7300 York Road.

As a surrounding neighborhood of 377 households directly affected by traffic on Stevenson Lane, we oppose the variance as well as any development in a traffic shed with an "F" level intersection. Furthermore, it is our understanding that the surrounding neighborhoods which the variance petition claims have been "advocating support" really refers to two neighborhoods which agreed not to oppose the project contingent upon conditions of parking that have not been met.

Sincerely,

Jo Ann Holback
Jo Ann Holback, President
Knollwood-Dorsey Brook Improvement Association
912 Stevenson Lane
Towson, Md. 21286

RECEIVED
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ZONING OFFICE

RECEIVED
NOV 24 1992
ZONING COMMISSIONER

